
IMMIGRANTS, FISCAL YEAR 1999

This report will appear as a chapter in the forthcoming *1999 Statistical Yearbook of the Immigration and Naturalization Service*. All references to Appendixes, Charts, Tables, and other sections of the *Statistical Yearbook* appear as they will in the final *Yearbook* edition.

I. IMMIGRANTS

This section presents information on the number and characteristics of persons who come to the United States for permanent residence, including persons arriving with that status and those adjusting to permanent resident status after entry.

Immigrants, as defined by U.S. immigration law, are persons lawfully admitted for permanent residence in the United States. Other terms used in INS reports to refer to immigrants include: aliens who are granted legal permanent residence; aliens admitted for legal permanent residence; immigrants admitted; and admissions. (See Appendix 2.)

Aliens wishing to become legal immigrants follow one of two paths depending on their residence at the time of application. Aliens living abroad apply for an immigrant visa at a consular office of the Department of State. Once issued a visa, they may enter the United States and become legal immigrants when they pass through the port of entry. Aliens already living in the United States, including certain undocumented immigrants, temporary workers, foreign students, and refugees, file an application for adjustment of status (to legal permanent residence) with the INS. At the time they apply for adjustment of status, they may also apply for work permits. Adjustment of status applicants are granted legal permanent residence at the time their applications are approved. New legal immigrants are automatically authorized to work and should receive alien registration cards (“green cards”) soon after becoming legal permanent residents.

U.S. Immigration Program

U.S. law gives preferential immigration status to persons with a close family relationship with a U.S. citizen or legal permanent resident, persons with needed job skills, or persons who qualify as refugees. Immigrants in other categories usually account for relatively few admissions. An exception occurred during 1989-92 when over 2.6 million former illegal aliens gained permanent resident status through the legalization provisions of the Immigration and Reform and Control Act (IRCA) of 1986.

Worldwide immigration subject to numerical limits

The Immigration Act of 1990 specified a worldwide level of immigration for certain categories of immigrants with an annual limit that could range between 421,000 and 675,000 depending on admissions in the previous year. These categories and their limits include family-sponsored preferences (226,000 to 480,000), employment-based

preferences (140,000), and diversity immigrants (55,000). The family preference limit is equal to the larger of either 226,000 or a calculation consisting of 480,000 minus 1) the previous year’s total of immediate relatives of U.S. citizens, 2) two numerically small categories of children, and 3) certain categories of aliens paroled into the United States in the second preceding fiscal year plus any unused employment preferences from the previous year (see Appendix 1). The employment preference limit can be higher than 140,000 if family preferences go unused in the previous year.

Other categories of immigrants, for example, asylees, are also subject to some form of numerical or time bound limitation. However, these categories typically involve small numbers of aliens and are covered under other sections of immigration law.

Preference immigrants

Family sponsored preferences consist of four categories: unmarried sons and daughters of U.S. citizens and their children; spouses, children, and unmarried sons and daughters of legal permanent residents; married sons and daughters of U.S. citizens and their spouses and children; and brothers and sisters, including spouses and children, of U.S. citizens ages 21 and over. The employment-based preferences consist of five categories: priority workers; professionals with advanced degrees or aliens of exceptional ability; skilled workers, professionals (without advanced degrees), and needed unskilled workers; special immigrants (e.g., ministers, religious workers, and employees of the U.S. government abroad); and employment creation immigrants or “investors”. Spouses and children are also included in the employment preference limit. The 1999 limits are shown in Appendix 1.

The Department of State is responsible for determining the annual limits and visa allocation for preference immigration. A per-country limit is also calculated annually and is limited to 7 percent of the annual total; the limit for dependent areas is 2 percent of the annual total. The maximum number of visas allowed under the preference system in 1999 was 386,906–226,000 for family-sponsored

immigrants and 160,906 for employment-based immigrants. Within these overall limits, no more than 27,083 preference visas could be issued to persons born in any independent country and no more than 7,738 to natives of a dependent area.

Diversity Program

A total of 55,000 visas are available annually to nationals of certain countries under the Diversity Program. Nationals of countries with more than 50,000 numerically-limited admissions during the preceding 5 years are excluded from participating in the Diversity Program. Each of the eligible countries is assigned to one of 6 regions and limits are determined by the INS for each region. The limits are calculated annually using a formula based on immigrant admissions during the preceding 5 years and the population total of the region. The maximum visa limit per country is 3,850.

Immigration exempt from worldwide numerical limits

Immigration usually totals much more than the annual worldwide limit for preference and diversity immigrants because some major categories are exempt from the limits. These categories include:

- ◆ Immediate relatives of U.S. citizens;
- ◆ Refugee and asylee adjustments;
- ◆ Certain parolees from the Soviet Union and Indochina;
- ◆ Cancellation of removal; and
- ◆ Aliens who applied for adjustment of status after having unlawfully resided in the United States since January 1, 1982 and certain special agricultural workers. (The application period ended on November 30, 1988; most recipients of this status gained permanent resident status in fiscal years 1989-92.)

Immediate relatives of U.S. citizens are not subject to any numerical limitation. This has been the single largest category of immigrants since 1986 excluding aliens granted legal permanent residence under IRCA.

Refugees are eligible to adjust to legal permanent resident status after 1 year of residence in the United States without regard to numerical limit. The number of aliens admitted as refugees to the United States each year, however, is established by the President in consultation with Congress (see Refugee section). Recent ceilings on refugee admissions were 90,000 in 1996, 78,000 in 1997, 83,000 in 1998, and 78,000 in 1999.

Asylees also must wait 1 year after they are granted asylum to apply for legal permanent resident status. Until 1992,

there was a limit of 5,000 adjustments per year. The Immigration Act of 1990 increased the limit to 10,000.

Data Overview

The number of immigrants admitted for legal permanent residence in the United States in 1999 was 646,568 (see Chart A). Included in this total were 401,775 aliens previously living abroad who obtained immigrant visas through the U.S. Department of State and became legal permanent residents upon entry into the United States. The remaining 244,793 legal immigrants, including former undocumented immigrants, refugees, and asylees, had been living in the United States an average of three years and adjusted status through the INS. Not included in 1999 legal immigration figures are aliens whose adjustment of status applications were pending a decision at the INS at the end of the year (see Impact of pending adjustment of status applications section).

Nearly 647,000 immigrants were granted legal permanent resident status during 1999.

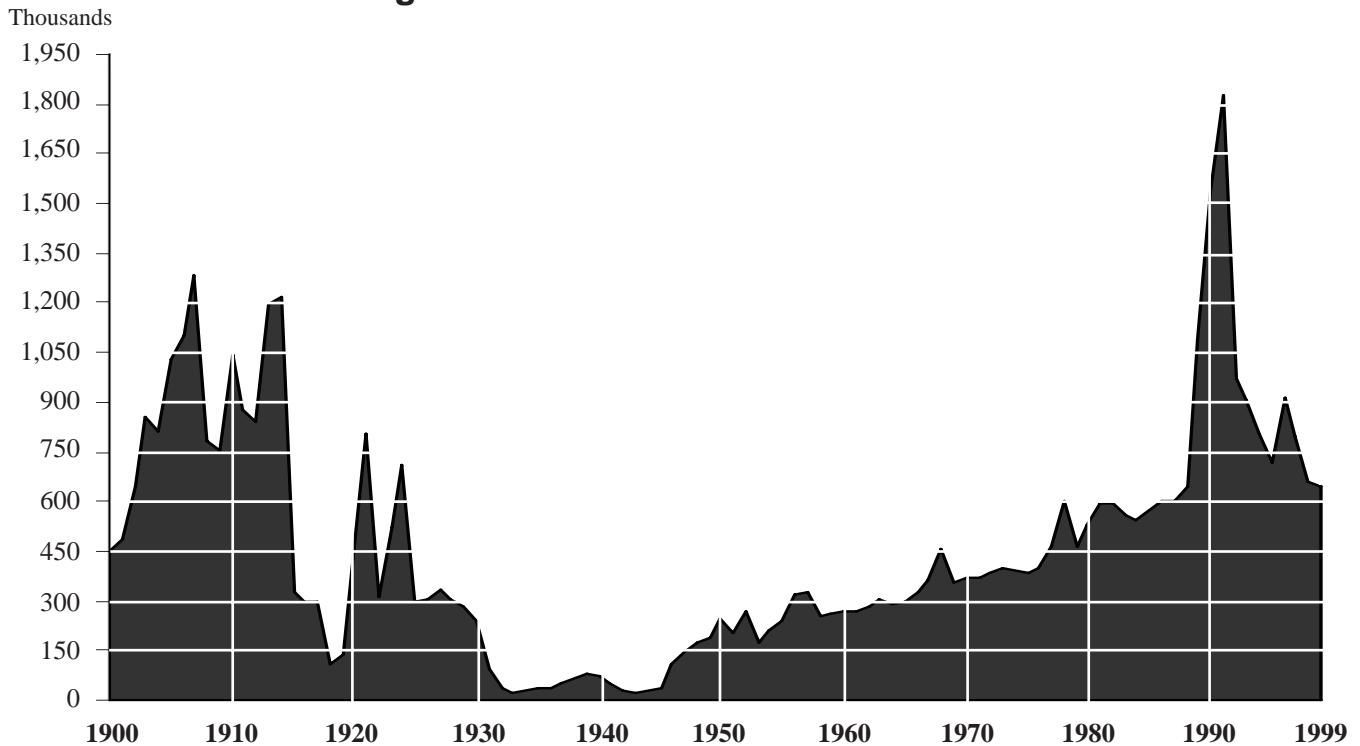
Highlights

- ◆ Legal immigration in 1999 (646,568) was at its lowest level since 1988 (643,025) (see Chart A). Fewer immigrants than expected have been admitted for legal permanent residence in recent years because the number of adjustment of status applications pending a decision continued to increase.
- ◆ During the 1995-99 period, legal immigration would have been an estimated 600,000-700,000 higher than reported if the pending caseload had not increased.
- ◆ In 1999, the leading countries of origin for legal immigrants included Mexico (147,573), the People's Republic of China (32,204), the Philippines (31,026), India (30,237), and Vietnam (20,393). These five countries represented 40 percent of all immigrants.
- ◆ The primary destination states for legal immigrants in 1999 were California (161,247), New York (96,979), Florida (57,484), Texas (49,393), Illinois (36,971), and New Jersey (34,095). These six states accounted for 68 percent of all legal immigrants.

Impact of pending adjustment of status applications

Between the end of fiscal years 1994 and 1999, the number of adjustment of status applications pending a decision

Chart A
Immigrants Admitted: Fiscal Years 1900-99



Source: Table 1. See Appendix 2 for fiscal year definitions.

increased 830,000 from 121,000 to 951,000. The impact of pending adjustment of status applications on legal immigration during fiscal years 1995-99 was estimated using the same method presented in the annual reports on legal immigration for fiscal years 1997 and 1998. For 1995-99, it is estimated that legal immigration would have been 600,000-700,000 higher had pending applications not increased to 690,000. The upper bound estimate of 700,000 assumes that 7 percent of applications would have been denied (the historical denial rate) and that 14 percent were family preference applicants (the proportion of all adjustment of status legal immigrants during fiscal years 1995-99), none of whom contributed to the decrease in legal immigration. The lower bound estimate of 600,000 takes into account the increase in the family preference limit in 1996 attributable to pending adjustment of status applications in fiscal year 1995.

The calculations presented above suggest that legal immigration might have been 120,000-140,000 higher on average each year during 1995-99 without any increase in the pending caseload. It should be noted, as in the 1998 report, that the average conceals some known annual variation. Pending adjustment of status applications

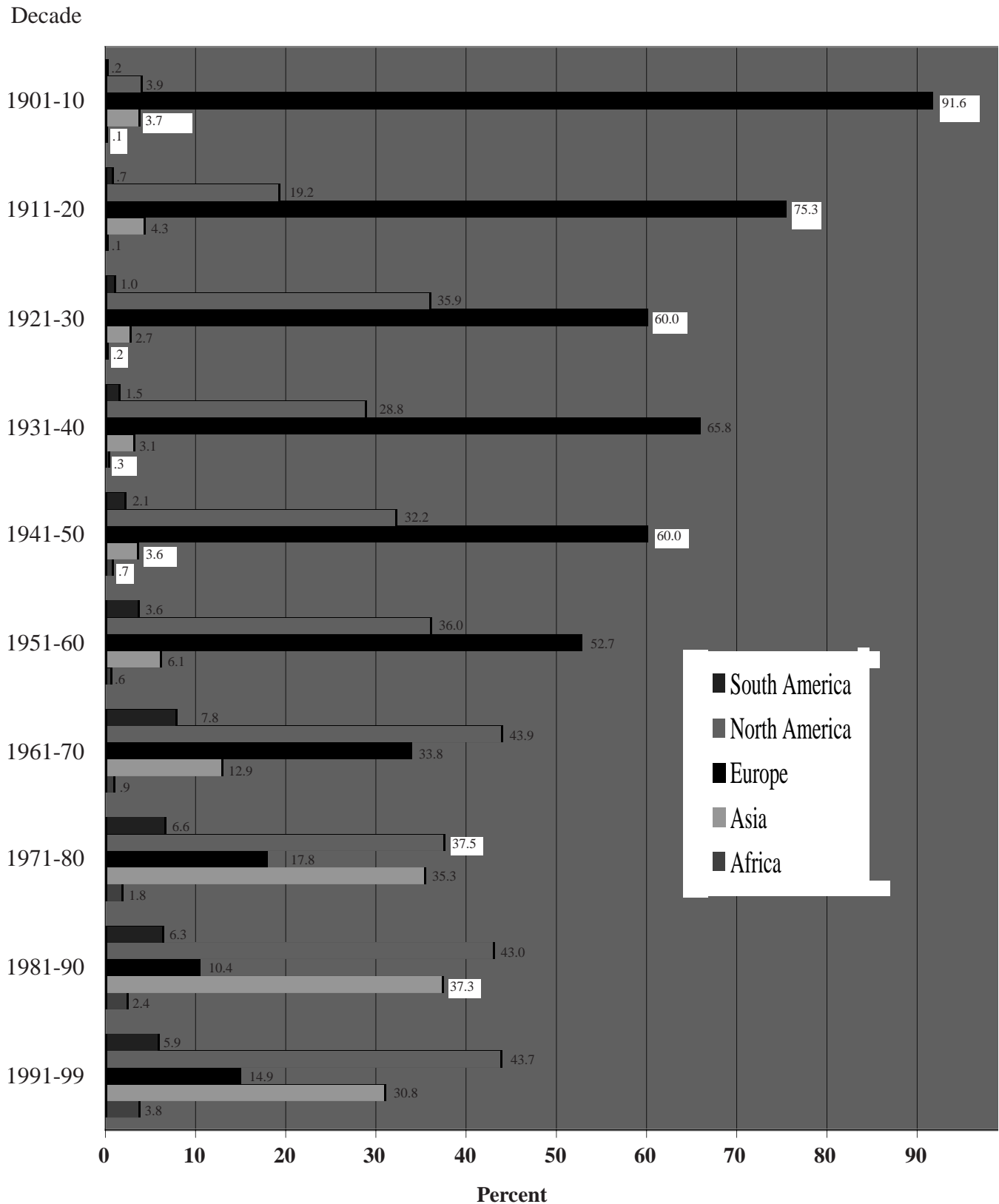
increased more during fiscal years 1995 and 1997 than during fiscal year 1996 when the increase in the family preference limit offset much of the loss from pending applications. In 1998 and 1999 the decline in the number of applications received may have prevented the pending caseload from growing more rapidly.

Understanding the Data

Data Collection

Aliens arriving from outside the United States (new arrivals) generally must have a valid immigrant visa issued by the U.S. Department of State to be admitted for legal permanent residence. Aliens already in the United States in a temporary status who are eligible to become legal permanent residents (adjustments) are granted immigrant status by the U.S. Immigration and Naturalization Service. The source of information on new arrivals is the immigrant visa (*OF-155, Immigrant Visa and Alien Registration*, U.S. Department of State). Information on adjustments comes from the form granting legal permanent resident status (*I-181, Memorandum of Creation of Record of Lawful Permanent Residence*, U.S. Immigration and Naturalization Service). Immigrant applications from both sources are

**Chart B. Region of Last Residence of Legal Immigrants,
Percent Distribution by Decade**



Note: Oceania and unspecified region represent no more than 1 percent of legal immigration each decade.

Source: Table 2.

Table A
Class of Admission of Legal Immigrants: Fiscal Years 1989-99
(Percent of total)

| Year | Total | Immediate relative of U.S. citizen | Family preference | Employment preference | Refugee/ Asylee | IRCA/ Legalization dependent | Diversity | Other |
|------------|-------|--|----------------------|--------------------------|--------------------|------------------------------------|-----------|-------|
| 1989 | 100 | 20 | 20 | 5 | 8 | 44 | NA | 3 |
| 1990 | 100 | 15 | 14 | 4 | 6 | 57 | NA | 4 |
| 1991 | 100 | 13 | 12 | 3 | 8 | 61 | NA | 3 |
| 1992 | 100 | 24 | 22 | 12 | 12 | 22 | 3 | 4 |
| 1993 | 100 | 28 | 25 | 16 | 14 | 9 | 4 | 4 |
| 1994 | 100 | 31 | 26 | 15 | 15 | 5 | 5 | 2 |
| 1995 | 100 | 31 | 33 | 12 | 16 | 1 | 7 | 1 |
| 1996 | 100 | 33 | 32 | 13 | 14 | 1 | 6 | 1 |
| 1997 | 100 | 40 | 27 | 11 | 14 | Z | 6 | 1 |
| 1998 | 100 | 43 | 29 | 12 | 8 | Z | 7 | 1 |
| 1999 | 100 | 40 | 34 | 9 | 7 | Z | 7 | 1 |

NA Not available. Z Rounds to less than .05 percent.

processed through the Computer Linked Applicant Information System (CLAIMS).

Most immigrant records for fiscal year 1999 were identified in CLAIMS based on the date of approval for legal permanent residence. For certain categories of immigrants, including refugees, asylees, and cancellation of removal, CLAIMS does not store the approval date so alternative selection criteria were used. Refugee and cancellation of removal records were identified using the date that approved applications were received in INS service centers. Asylee records were identified by adding one year to the date appearing in the admission/adjustment date field. This field stores the date used to count the time spent toward meeting the residency requirement for naturalization. Asylees are eligible for naturalization four years after becoming legal permanent residents so the admission/adjustment date represents the actual approval date rolled back one year.

In 1998, the INS reported that the annual limit for asylees (10,000) had been reached and that the count from CLAIMS (7,548) was too low. Subsequent information indicates that the 7,548 number in CLAIMS reflects the actual number of asylee applications that were processed for adjustment of status in 1998.

The INS administers the 10,000-person limit on the number of asylees allowed to adjust status in a fiscal year. The actual number of asylee adjustments was 7,548 in fiscal year 1998 and 3,357 in fiscal year 1999. The INS authorized for

completion a total of 20,000 asylee adjustments subject to the limit during fiscal years 1998-99. At the time of this edition, 10,076 of these asylees have obtained adjustment of status during that two-year period.¹ There may be a multi-year wait between the time that an alien is granted asylum status and the time the adjustment of status application is approved due to the waiting list (currently at approximately 87,000 cases) resulting from the 10,000 cap and the need to complete mandatory processing steps such as fingerprinting and medical examinations. The number of cases actually approved for adjustment is less than the total number authorized for completion. Many asylee adjustment applicants, while awaiting an asylee adjustment number, obtained adjustment of status through other methods such as marriage to a U.S. citizen or legal permanent resident, or were unable to be located by the INS due to name and address changes. The INS will improve this process in fiscal year 2001 so that the number of asylees granted permanent resident status approaches the 10,000 limit.

The INS also stated that the annual limit on cancellation of removal (4,000) had been reached. The actual count in CLAIMS (428) has since been confirmed as correct.

¹ A total of 827 Iraqi asylees granted permanent resident status during 1998-99 were exempt from the limit as specified in the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999, P.L. 105-277, § 128 (1998).

The cancellation of removal limit is administered by the Executive Office for Immigration Review (EOIR) and is counted in the fiscal year that the alien is granted relief from removal. The actual date that the INS processes the cancellation of removal and adjustment of status order and counts the alien as an immigrant is later. Due to delays in reporting and in aliens approaching the INS for further processing after issuance of the order, it could extend into the succeeding fiscal year.² The number of reported adjustments of status under cancellation of removal, therefore, would not be expected to match the 4,000 limit in a typical year, even though that limit was reached in both fiscal years 1998 and 1999. The number of cancellation of removal cases processed by the INS increased from 428 in fiscal year 1998 to 9,032 in fiscal year 1999.³

The 1998 legal immigrant total has been reduced by 6,026 from the previous *Yearbook* edition due to the revisions in the 1998 asylum and cancellation of removal counts. Missing values also were a problem in fiscal year 1999 especially for adjustment of status cases for certain

² The date that the cancellation of removal was ordered by EOIR is the official date of permanent residence status in INS records.

³ A total of 577 cancellations of removal and adjustments of status during 1998-99 were exempt from the 4,000 limit as specified in the Nicaraguan Adjustment and Central American Relief Act (NACARA), P.L. 105-100, § 203.

variables. These included: occupation; country of chargeability (preference limit); nonimmigrant class of entry; and nonimmigrant year of entry.

Limitations of Data

The number of immigrants admitted for legal permanent residence in a year is not the same as the number of net migrants who entered the United States in that year. The reasons for the difference in counts are:

- 1) Immigrant adjustments are reported in the year the aliens adjust their status to lawful permanent residence and not in the year they migrate to the United States in a temporary or other (refugee or asylee) status.
- 2) Some migrants (such as parolees, refugees, and asylees) may never be counted as lawful permanent residents even though they reside permanently in the United States (they are not required to adjust to permanent resident status).
- 3) Information on emigration (aliens permanently departing the United States) and information on net illegal immigration is not available (see Data Gaps section).
- 4) Missing values were a problem especially for adjustment of status cases for certain variables. These included occupation, country of chargeability (preference limit), nonimmigrant class of entry, and nonimmigrant year of entry.